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05/19/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91156321
Party	Defendant United States Hispanic Chamber of Commerce Foundation
Correspondence Address	Jill M. Pietrini Manatt Phelps & Phillips, LLP 11355 W. Olympic Boulevard Los Angeles, CA 90064-1614 UNITED STATES mdanner@manatt.com
Submission	Other Motions/Papers
Filer's Name	Paulette E. Surjue
Filer's e-mail	psurjue@manatt.com
Signature	/s/psurjue
Date	05/19/2008
Attachments	Eliseev's Declaration re Opposition.PDF (2 pages)(49859 bytes) Exhibit A to Eliseev's Decl. re Opposition.PDF (6 pages)(95214 bytes) Exhibit B to Eliseev Decl. re Opposition.PDF (21 pages)(538289 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<p>In Re Application Serial No. 78/081,731 for U.S. HISPANIC CHAMBER OF COMMERCE FOUNDATION & Design</p> <p>THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,</p> <p>Opposer,</p> <p>vs.</p> <p>UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION,</p> <p>Applicant.</p>	<p>Opposition No. 91-156,321</p> <p>DECLARATION OF ANDREW ELISEEV IN SUPPORT OF APPLICANT'S OPPOSITION TO OPPOSER'S MOTION TO EXTEND TESTIMONY PERIOD</p>
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I, Andrew Eliseev, declare as follows:

1. I am over the age of 18, I have personal knowledge of the facts set forth herein, and I could and would competently testify about these matters if called upon to do so. I am an associate with the law firm of Manatt, Phelps & Phillips, LLP, and I am one of the attorneys representing Applicant United States Hispanic Chamber of Commerce Foundation ("Applicant") in this proceeding. I submit this declaration in support of Applicant's Opposition to Opposer The Chamber of Commerce of the United States of America's ("Opposer") Motion To Extend Testimony Period.

2. Attached hereto as **Exhibit A** are true and correct copies of the excerpts from the transcript of the testimony deposition of Daniel Ramos of National Hispanic Corporate Achievers, Inc., which was taken on April 21, 2008.

3. Attached hereto as **Exhibit B** are true and correct copies of the ten letters from Opposer's counsel Erik C. Kane to me and my colleague, Jill M. Pietrini, all dated February 19, 2008, in which Mr. Kane, among other things, unequivocally states that

Opposer "will move to quash any subpoena that seeks to compel a third part [sic] to appear for a deposition after the February 28th cut-off date [for Applicant's testimony period], and will move to strike any late testimony taken voluntarily."

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 19th day of May, 2008 in Los Angeles, California.

/s/ Andrew Eliseev
Andrew Eliseev

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through ESTTA pursuant to 37 C.F.R. § 2.195(a), on this 19th day of May, 2008.

/s/ Paulette E. Surjue
Paulette E. Surjue

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served upon the attorney for Applicant by depositing a copy thereof in an envelope addressed to: Erik Kane, Kenyon & Kenyon, 1500 K Street, N.W., Washington, DC 20005-1257, on this 19th day of May, 2008.

/s/ Paulette E. Surjue
Paulette E. Surjue

EXHIBIT A

DANIEL RAMOS

ORIGINAL

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

THE CHAMBER OF COMMERCE OF)
THE UNITED STATES OF AMERICA,)
Opposer,)
v.) Opposition No.
UNITED STATES HISPANIC) 91/156,321
CHAMBER OF COMMERCE FOUNDATION,) Serial No.
Applicant.) 78/081,731
_____)

Deposition of DANIEL RAMOS, a witness herein,
called for examination by counsel for Opposer in the
above-entitled matter, pursuant to notice, the witness
being duly sworn by Nancy M. Wingo, a Notary Public in
and for the State of Florida, taken at the offices of
Veritext Court Reporters, 37 North Orange Avenue, Suite
500, Orlando, Florida, at 1:00 p.m., on April 21, 2008,
and the proceedings being taken down by Stenotype by
Nancy M. Wingo, RPR, RMR, FPR

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(212) 490-3430

1 APPEARANCES:

2 On behalf of the Opposer:

WILLIAM M. MERONE, ESQUIRE

3 Kenyon & Kenyon, LLP

1500 K Street, N.W.

4 Washington, D.C. 20005

(202) 220-4216

5 On behalf of the Applicant:

6 ANDREW ELISEEV, ESQUIRE (via telephone)

Manatt, Phelps & Phillips, LLP

7 11355 W. Olympic Boulevard

Los Angeles, California 90064

8 (310) 312-4384

DANIEL RAMOS

18

1 Q Does your organization have any relationship
2 with HACR?

3 A None.

4 Q If you look on the envelope, a copy of the
5 envelope on Exhibit 1, you see the words written,
6 "general council"?

7 A Yup.

8 Q Do you know who wrote those words?

9 A I'm assuming it would be somebody on the
10 receiving side because we don't do that. We would have
11 typed it.

12 Q Okay.

13 A So -- so I would assume that someone who
14 received it took the envelope and forwarded it to
15 whoever it is that's the general counsel for the
16 organization.

17 Q Is the address of the recipient on the
18 envelope, is it typed on the envelope or was there a
19 sticker with the address?

20 A I believe it was a sticker, label.

21 Q Right. What is your basis for telling me
22 that?

23 A Because we work on labels whenever we do
24 something.

25 Q And who prepared the labels?

1 A I really don't know. It could have been any
2 one of three, four people. I don't know.

3 Q Who would be those three, four people?

4 A They would be volunteers that would come into
5 the office during the time that we get busy.

6 Q Did you supervise those volunteers in
7 preparing these envelopes?

8 A It depends on the definition of supervise.
9 Because what happens is, I remember looking at the
10 website and I remember saying, "Okay, we should --
11 "According to the attorney, we are allowed to send out
12 correspondence to the people on the website." I don't
13 remember who I told but I remember saying, "Okay, get
14 the names and addresses off the web side and make labels
15 and we'll send them out. "

16 Q And so you remember giving a direction to
17 volunteers to prepare the stickers for the envelopes?

18 A Yeah.

19 Q And what exactly did you tell the volunteers?

20 A Take the names off the website and then
21 follow up.

22 Q Okay. So, in other words, it's your
23 understanding that this address and name came strictly
24 from the website and the address and everything that
25 appears on the address sticker just came word-for-word

1 from the HACR website?

2 MR. MERONE: Objection. Mischaracterizes his
3 testimony.

4 BY MR. ELISEEV:

5 Q You can answer.

6 A Okay. I don't know because I don't know if
7 the addresses were there or not. You know, I just gave
8 them the assignment and they might have dug up the
9 addresses based upon going on the internet. I really
10 don't know. I know that the names were listed and the
11 names of the organizations were listed on the website
12 but I don't know if the addresses were listed.

13 If the addresses were not listed, then they
14 would have gone to the web, to the internet, to look up
15 addresses.

16 Q Do you know for a fact that somebody went to
17 the internet to look for addresses?

18 A I don't know for a fact but I don't know for
19 a fact that they didn't. I would have to look at the
20 HACR website and look and see if the addresses are
21 there, which I doubt.

22 Q In preparation for this deposition, did you
23 speak with anybody regarding these letters?

24 A No. In fact, I didn't even know what it was
25 about until I showed up.

EXHIBIT B

February 19, 2008

VIA FACSIMILE & EMAIL

Jill M. Pietrini, Esq.
Andrew Eliseev, Esq.
MANATT, PHELPS & PHILLIPS L.P.
11355 West Olympic Blvd.
Los Angeles, California 90064-1614

RE: US Chamber v. US Hispanic Chamber, Opposition No. 91/156,321

Dear Jill and Andrew:

You have requested that the U.S. Chamber consent to extending your testimony period to reschedule your third party deposition of **The Belgian-American Chamber of Commerce in the United States**, which is presently scheduled for February 27, 2008 in New York, NY.

As you know, the U.S. Chamber does not believe that the subpoena *duces tecum* you served on this third party was proper, which led to the U.S. Chamber filing its motion to quash. We therefore do not believe that the pendency of that motion should constitute valid grounds for rescheduling the deposition such that it takes place outside the designated testimony period, and the U.S. Chamber will not consent to extending your testimony period. You, of course, may petition the Trademark Trial and Appeal Board for an extension, but unless and until that request is granted, the U.S. Chamber will presume that your testimony will close on February 28th, as scheduled. *Accord* TBMP §509.02 ("A party has no right to assume that its motion to extend ... made without the consent of the adverse party will always be granted automatically.").

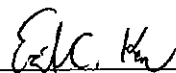
As it would be improper for Applicant to take trial testimony outside of its testimony period, *see* TBMP §707.03(b), 37 CFR §2.121(a), the U.S. Chamber will object to any testimony taken after February 28th unless the Board first agrees to extend the period. Specifically, the U.S. Chamber will move to quash any subpoena that seeks to compel a third party to appear for a deposition after the February 28th cut-off date, and will move to strike any late testimony taken voluntarily. To be sure, if the third party cannot attend on the scheduled date, we would be willing to attend the deposition on a different date, provided that all testimony is completed by February 28th. However, if the third party cannot attend at all prior to February 28th, we would submit that your inability to complete all of your testimony depositions within your proscribed testimony period (which opened last August) is a result of your not pursuing subpoenas until the end of your testimony period and would not provide a valid basis for extending time.



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Regards,

KENYON & KENYON LLP



Erik C. Kane

ECK

cc: The Belgian-American Chamber of Commerce in the United States (facsimile only)

February 19, 2008

VIA FACSIMILE & EMAIL

Jill M. Pietrini, Esq.
Andrew Eliseev, Esq.
MANATT, PHELPS & PHILLIPS L.P.
11355 West Olympic Blvd.
Los Angeles, California 90064-1614

RE: US Chamber v. US Hispanic Chamber, Opposition No. 91/156,321

Dear Jill and Andrew:

You have requested that the U.S. Chamber consent to extending your testimony period to reschedule your third party deposition of **The U.S. – Azerbaijan Chamber of Commerce**, which is presently scheduled for February 27, 2008 in Washington, DC.

As you know, the U.S. Chamber does not believe that the subpoena *duces tecum* you served on this third party was proper, which led to the U.S. Chamber filing its motion to quash. We therefore do not believe that the pendency of that motion should constitute valid grounds for rescheduling the deposition such that it takes place outside the designated testimony period, and the U.S. Chamber will not consent to extending your testimony period. You, of course, may petition the Trademark Trial and Appeal Board for an extension, but unless and until that request is granted, the U.S. Chamber will presume that your testimony will close on February 28th, as scheduled. *Accord* TBMP §509.02 (“A party has no right to assume that its motion to extend ... made without the consent of the adverse party will always be granted automatically.”).

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Regards,

KENYON & KENYON LLP

Erik C. Kane

ECK

cc: The U.S. – Azerbaijan Chamber of Commerce (facsimile only)

February 19, 2008

VIA FACSIMILE & EMAIL

Jill M. Pietrini, Esq.
Andrew Eliseev, Esq.
MANATT, PHELPS & PHILLIPS L.P.
11355 West Olympic Blvd.
Los Angeles, California 90064-1614

RE: US Chamber v. US Hispanic Chamber, Opposition No. 91/156,321

Dear Jill and Andrew:

You have requested that the U.S. Chamber consent to extending your testimony period to reschedule your third party deposition of **The Swedish – American Chambers of Commerce USA**, which is presently scheduled for February 25, 2008 in Los Angeles.

As you know, the U.S. Chamber does not believe that the subpoena *duces tecum* you served on this third party was proper, which led to the U.S. Chamber filing its motion to quash. We therefore do not believe that the pendency of that motion should constitute valid grounds for rescheduling the deposition such that it takes place outside the designated testimony period, and the U.S. Chamber will not consent to extending your testimony period. You, of course, may petition the Trademark Trial and Appeal Board for an extension, but unless and until that request is granted, the U.S. Chamber will presume that your testimony will close on February 28th, as scheduled. *Accord* TBMP §509.02 (“A party has no right to assume that its motion to extend ... made without the consent of the adverse party will always be granted automatically.”).

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Regards,

KENYON & KENYON LLP

Erik C. Kane

ECK

cc: The Swedish – American Chambers of Commerce USA (facsimile only)

February 19, 2008

VIA FACSIMILE & EMAIL

Jill M. Pietrini, Esq.
Andrew Eliseev, Esq.
MANATT, PHELPS & PHILLIPS L.P.
11355 West Olympic Blvd.
Los Angeles, California 90064-1614

RE: US Chamber v. US Hispanic Chamber, Opposition No. 91/156,321

Dear Jill and Andrew:

You have requested that the U.S. Chamber consent to extending your testimony period to reschedule your third party deposition of **The Spain-U.S. Chamber of Commerce**, which is presently scheduled for February 28, 2008 in New York, NY.

As you know, the U.S. Chamber does not believe that the subpoena *duces tecum* you served on this third party was proper, which led to the U.S. Chamber filing its motion to quash. We therefore do not believe that the pendency of that motion should constitute valid grounds for rescheduling the deposition such that it takes place outside the designated testimony period, and the U.S. Chamber will not consent to extending your testimony period. You, of course, may petition the Trademark Trial and Appeal Board for an extension, but unless and until that request is granted, the U.S. Chamber will presume that your testimony will close on February 28th, as scheduled. *Accord* TBMP §509.02 ("A party has no right to assume that its motion to extend ... made without the consent of the adverse party will always be granted automatically.").

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KENYON & KENYON LLP

Erik C. Kane

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February 19, 2008

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Andrew Eliseev, Esq.
MANATT, PHELPS & PHILLIPS L.P.
11355 West Olympic Blvd.
Los Angeles, California 90064-1614

RE: US Chamber v. US Hispanic Chamber, Opposition No. 91/156,321

Dear Jill and Andrew:

You have requested that the U.S. Chamber consent to extending your testimony period to reschedule your third party deposition of **The U.S./Austrian Chamber of Commerce**, which is presently scheduled for February 28, 2008 in New York, NY.

As you know, the U.S. Chamber does not believe that the subpoena *duces tecum* you served on this third party was proper, which led to the U.S. Chamber filing its motion to quash. We therefore do not believe that the pendency of that motion should constitute valid grounds for rescheduling the deposition such that it takes place outside the designated testimony period, and the U.S. Chamber will not consent to extending your testimony period. You, of course, may petition the Trademark Trial and Appeal Board for an extension, but unless and until that request is granted, the U.S. Chamber will presume that your testimony will close on February 28th, as scheduled. *Accord* TBMP §509.02 ("A party has no right to assume that its motion to extend ... made without the consent of the adverse party will always be granted automatically.").

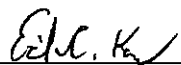
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KENYON & KENYON LLP



Erik C. Kane

ECK

cc: The U.S./Austrian Chamber of Commerce (facsimile only)

February 19, 2008

VIA FACSIMILE & EMAIL

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Andrew Eliseev, Esq.
MANATT, PHELPS & PHILLIPS L.P.
11355 West Olympic Blvd.
Los Angeles, California 90064-1614

RE: US Chamber v. US Hispanic Chamber, Opposition No. 91/156,321

Dear Jill and Andrew:

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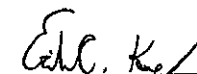
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Regards,

KENYON & KENYON LLP



Erik C. Kane

ECK

cc: The French American Chamber of Commerce in the United States (facsimile only)

February 19, 2008

VIA FACSIMILE & EMAIL

Jill M. Pietrini, Esq.
Andrew Eliseev, Esq.
MANATT, PHELPS & PHILLIPS L.P.
11355 West Olympic Blvd.
Los Angeles, California 90064-1614

RE: US Chamber v. US Hispanic Chamber, Opposition No. 91/156,321

Dear Jill and Andrew:

You have requested that the U.S. Chamber consent to extending your testimony period to reschedule your third party deposition of **The Argentine-American Chamber of Commerce**, which is presently scheduled for February 27, 2008 in New York, NY.

As you know, the U.S. Chamber does not believe that the subpoena *duces tecum* you served on this third party was proper, which led to the U.S. Chamber filing its motion to quash. We therefore do not believe that the pendency of that motion should constitute valid grounds for rescheduling the deposition such that it takes place outside the designated testimony period, and the U.S. Chamber will not consent to extending your testimony period. You, of course, may petition the Trademark Trial and Appeal Board for an extension, but unless and until that request is granted, the U.S. Chamber will presume that your testimony will close on February 28th, as scheduled. *Accord* TBMP §509.02 ("A party has no right to assume that its motion to extend ... made without the consent of the adverse party will always be granted automatically.").

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Regards,

KENYON & KENYON LLP

Erik C. Kane

ECK

cc: The Argentine-American Chamber of Commerce (facsimile only)

February 19, 2008

VIA FACSIMILE & EMAIL

Jill M. Pietrini, Esq.
Andrew Eliseev, Esq.
MANATT, PHELPS & PHILLIPS L.P.
11355 West Olympic Blvd.
Los Angeles, California 90064-1614

RE: US Chamber v. US Hispanic Chamber, Opposition No. 91/156,321

Dear Jill and Andrew:

You have requested that the U.S. Chamber consent to extending your testimony period to reschedule your third party deposition of **The American-Russian Chamber of Commerce & Industry**, which is presently scheduled for February 26, 2008 in Washington, DC.

As you know, the U.S. Chamber does not believe that the subpoena *duces tecum* you served on this third party was proper, which led to the U.S. Chamber filing its motion to quash. We therefore do not believe that the pendency of that motion should constitute valid grounds for rescheduling the deposition such that it takes place outside the designated testimony period, and the U.S. Chamber will not consent to extending your testimony period. You, of course, may petition the Trademark Trial and Appeal Board for an extension, but unless and until that request is granted, the U.S. Chamber will presume that your testimony will close on February 28th, as scheduled. *Accord* TBMP §509.02 ("A party has no right to assume that its motion to extend ... made without the consent of the adverse party will always be granted automatically.").

As it would be improper for Applicant to take trial testimony outside of its testimony period, *see* TBMP §707.03(b), 37 CFR §2.121(a), the U.S. Chamber will object to any testimony taken after February 28th unless the Board first agrees to extend the period. Specifically, the U.S. Chamber will move to quash any subpoena that seeks to compel a third part to appear for a deposition after the February 28th cut-off date, and will move to strike any late testimony taken voluntarily. To be sure, if the third party cannot attend on the scheduled date, we would be willing to attend the deposition on a different date, provided that all testimony is completed by February 28th. However, if the third party cannot attend at all prior to February 28th, we would submit that your inability to complete all of your testimony depositions within your proscribed testimony period (which opened last August) is a result of your not pursuing subpoenas until the end of your testimony period and would not provide a valid basis for extending time.



As we have already made arrangements to attend the deposition as noticed, and have not received any indications that the third party is unable to attend, we presume that the deposition will go forward as presently noticed. If you do not intend to take the deposition on the scheduled date and time, please let us know immediately. Should Applicant cancel the deposition only at the last moment and/or fail to attend, the U.S. Chamber will seek appropriate costs and attorney fees with the court that issued the subpoena to the extent permitted under Fed. R. Civ. Pro. 45.

Regards,

KENYON & KENYON LLP

Erik C. Kane

ECK

cc: The American-Russian Chamber of Commerce & Industry (facsimile only)

February 19, 2008

VIA FACSIMILE & EMAIL

Jill M. Pietrini, Esq.
Andrew Eliseev, Esq.
MANATT, PHELPS & PHILLIPS L.P.
11355 West Olympic Blvd.
Los Angeles, California 90064-1614

RE: US Chamber v. US Hispanic Chamber, Opposition No. 91/156,321

Dear Jill and Andrew:

You have requested that the U.S. Chamber consent to extending your testimony period to reschedule your third party deposition of **The U.S. - Mexico Chamber of Commerce**, which is presently scheduled for February 25, 2008 in Washington, DC.

As you know, the U.S. Chamber does not believe that the subpoena *duces tecum* you served on this third party was proper, which led to the U.S. Chamber filing its motion to quash. We therefore do not believe that the pendency of that motion should constitute valid grounds for rescheduling the deposition such that it takes place outside the designated testimony period, and the U.S. Chamber will not consent to extending your testimony period. You, of course, may petition the Trademark Trial and Appeal Board for an extension, but unless and until that request is granted, the U.S. Chamber will presume that your testimony will close on February 28th, as scheduled. *Accord* TBMP §509.02 ("A party has no right to assume that its motion to extend ... made without the consent of the adverse party will always be granted automatically.").

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Regards,

KENYON & KENYON LLP

Erik C. Kane

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cc: The U.S. - Mexico Chamber of Commerce (facsimile only)

February 19, 2008

VIA FACSIMILE & EMAIL

Jill M. Pietrini, Esq.
Andrew Eliseev, Esq.
MANATT, PHELPS & PHILLIPS L.P.
11355 West Olympic Blvd.
Los Angeles, California 90064-1614

RE: US Chamber v. US Hispanic Chamber, Opposition No. 91/156,321

Dear Jill and Andrew:

You have requested that the U.S. Chamber consent to extending your testimony period to reschedule your third party deposition of **The U.S. – Women's Chamber of Commerce**, which is presently scheduled for February 25, 2008 in Washington, DC.

As you know, the U.S. Chamber does not believe that the subpoena *duces tecum* you served on this third party was proper, which led to the U.S. Chamber filing its motion to quash. We therefore do not believe that the pendency of that motion should constitute valid grounds for rescheduling the deposition such that it takes place outside the designated testimony period, and the U.S. Chamber will not consent to extending your testimony period. You, of course, may petition the Trademark Trial and Appeal Board for an extension, but unless and until that request is granted, the U.S. Chamber will presume that your testimony will close on February 28th, as scheduled. *Accord* TBMP §509.02 ("A party has no right to assume that its motion to extend ... made without the consent of the adverse party will always be granted automatically.").

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Regards,

KENYON & KENYON LLP

Erik C. Kane

ECK

cc: The U.S. – Women's Chamber of Commerce (facsimile only)